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Representative of  
General Public

ALTERNATE  
**CHARLEY WILSON**  
Director  
Santa Margarita  
Water District

**JOYCE CROSTHWAITE**  
Executive Officer

**DATE:** July 18, 2007

**TO:** Local Agency Formation Commission

**FROM:** Executive Officer  
Assistant Executive Officer

**SUBJECT:** Proposed West Santa Ana Heights Reorganization to the City of Newport Beach (RO 06-25) and Proposed Banning Ranch Sphere of Influence Amendment (SOI 06-20)

### BACKGROUND

Both of these applications were originally considered by the Commission one year ago in July 2006. Both were continued to November 2006, May 2007 and finally to today's hearing. (Copies of recent staff reports, which provide a detailed analysis of the West Santa Ana Heights and Banning Ranch proposals, are included as *Attachments 1 and 2* to this report.)

Debate over the long-term boundaries of West Santa Ana Heights and Banning Ranch has been around longer than LAFCO has been in existence. Both the Commission and staff have spent a significant amount of time and resources over the past six years to try to solve long-standing boundary disputes between the Cities of Costa Mesa and Newport Beach. Over the years, staff has written an endless stream of staff reports analyzing and re-analyzing the salient boundary issues in this area.

Some progress has been made. Five small unincorporated islands, East Santa Ana Heights and the Bay Knolls area have been annexed into cities. Several unincorporated areas remain, however, including West Santa Ana Heights, Banning Ranch, South Mesa, Santa Ana Country Club and Emerson Island.

In July 2006, LAFCO staff saw an opportunity to potentially resolve some of the outstanding boundary issues in this area by "linking" the annexation of West Santa Ana Heights to a detachment of a portion of the one-foot wide strip of Newport Beach separating Banning Ranch from Costa Mesa. Staff's belief was that this detachment would, for the first time, allow for meaningful discussions between both cities over the long-term service delivery needs of the undeveloped Banning Ranch territory.

Following the appointment of Supervisor Moorlach to LAFCO, the 2<sup>nd</sup> District staff worked tirelessly with both Newport Beach and Costa Mesa in an attempt to reach a mutual agreement on all or most of the remaining boundary issues between the two cities. Subsequently, however, it became clear that future land use control over Banning Ranch remains a priority for the City of Newport Beach. The City has indicated that it is unwilling to detach any portion of the one-foot wide strip surrounding Banning, thereby eliminating any realistic opportunity for Costa Mesa to annex or provide services to portions of the Ranch property. At this point, there appears to be little or no chance of achieving a "global" boundary solution for this area in the foreseeable future.

#### **CURRENT APPLICATIONS**

Two applications in this area are currently before your Commission for consideration: (1) West Santa Ana Heights Reorganization to the City of Newport Beach (RO 06-25); and, (2) Banning Ranch Sphere of Influence Amendment (SOI 06-20).

##### West Santa Ana Heights

The City of Newport Beach has filed for a sphere of influence change and concurrent annexation for approximately 83 acres of inhabited, unincorporated territory known as West Santa Ana Heights. The property is currently within the Costa Mesa sphere of influence.

There is strong resident support within West Santa Ana Heights for annexation to Newport Beach. The area shares a redevelopment project area and land use plan with East Santa Ana Heights which was annexed to Newport Beach in 2002. Staff's attempts to link approval of the West Santa Ana Heights to other boundary changes area have been met with strong opposition from the City of Newport Beach. Annexation of West Santa Ana Heights to the City of Newport Beach will result in a higher level of services for residents and eliminate approximately 83 acres of unincorporated territory. Staff recommends approval of the City's application.

### Banning Ranch

The City of Costa Mesa has filed an application to amend the sphere of influence for 357 acres of Banning Ranch from Newport Beach to Costa Mesa. The property is located between the two cities, and potential access to the site is from either Newport Beach or Costa Mesa. To allow dialog to continue between both cities on Banning Ranch boundary and service issues, staff is recommending that this application be continued.

### **COMMENTS**

A comment letter, co-signed by Cal McLaughlin and Paul Watkins, was received by staff on July 9, 2007, and is included as Attachment 3 for your review.

### **RECOMMENDATIONS**

Staff recommends that the Commission:

*Approve the West Santa Ana Heights Reorganization (RO 06-25)*

1. Certify that the information contained in the City of Newport Beach's Negative Declaration (*Attachment 4*) prepared for this project has been reviewed and considered.
2. Adopt the Statement of Determinations as required by Government Code Section 56425 (*Attachment 5*).
3. Adopt the resolution (*Attachment 6*) approving the proposed West Santa Ana Heights Reorganization (RO 0-25) for the City of Newport Beach. The resolution approves: (1) a sphere of influence change for West Santa Ana Heights from the City of Costa Mesa to the City of Newport Beach; and (2) the annexation of West Santa Ana Heights to the City of Newport Beach.

*Continue the Banning Ranch Sphere of Influence Amendment (SOI 06-20)*

1. Continue consideration of the Banning Ranch SOI amendment for six months.

July 18, 2007

RE: WSAH & Banning Ranch

Page 4 of 4

Respectfully submitted,

  
JOYCE CROSTHWAITE

  
BOB ALDRICH

*Attachments:*

1. May 9, 2007 Staff Report
2. July 12, 2006 Staff Report
3. Comment Letter – 7/7/07
4. Negative Declaration (City of Newport Beach)
5. Statement of Determinations
6. Adopting Resolution







# ATTACHMENT 1

LOCAL AGENCY FORMATION COMMISSION

ORANGE COUNTY

May 9, 2007

CHAIR  
**BILL CAMPBELL**  
Supervisor  
Third District

**TO:** Local Agency Formation Commission

VICE CHAIR  
**JOHN WITHERS**  
Director  
Irvine Ranch Water District

**FROM:** Executive Officer  
Assistant Executive Officer

**ROBERT BOUER**  
Councilmember  
City of Laguna Woods

**SUBJECT:** West Santa Ana Heights Reorganization to the City of  
Newport Beach (RO 06-25)

**PETER HERZOG**  
Councilmember  
City of Lake Forest

Banning Ranch Sphere of Influence Amendment (SOI 06-20)

**JOHN MOORLACH**  
Supervisor  
2<sup>nd</sup> District

## APPLICANTS

RO 06-25 – City of Newport Beach, by resolution  
SOI 06-20 – City of Costa Mesa, by resolution

**ARLENE SCHAFER**  
Director  
Costa Mesa  
Sanitary District

**SUSAN WILSON**  
Representative of  
General Public

## BACKGROUND

Both of the subject applications were considered by your Commission on July 12, 2006 and November 8, 2006. A copy of the individual staff reports, which provide a detailed analysis of the West Santa Ana Heights and Banning Ranch proposals, are included as *Attachments 1 and 2* to this report.

ALTERNATE  
**PAT BATES**  
Supervisor  
5<sup>th</sup> District

ALTERNATE  
**PATSY MARSHALL**  
Councilmember  
City of Buena Park

ALTERNATE  
**RHONDA MCCUNE**  
Representative of  
General Public

ALTERNATE  
**CHARLEY WILSON**  
Director  
Santa Margarita  
Water District

**JOYCE CROSTHWAITE**  
Executive Officer

Both proposals were the subject of considerable Commission discussion and public testimony at both LAFCO hearings. On November 8, 2006, at the joint request of Costa Mesa and Newport Beach, the Commission continued both items to today's date to allow for additional time and discussion in the hope that a mutually agreeable resolution to the long-term boundary issues in this area could be worked out between both cities. Commissioner Moorlach is playing a key role in encouraging ongoing negotiations among the affected agencies and groups. Despite the cities' best intentions, the Cities of Costa Mesa and Newport Beach were unable to reach a comprehensive solution to all unincorporated boundary issues between the two cities at this time.

West Santa Ana Heights (RO 06-25)

While discussions between the cities continue, staff believes it is prudent for the Commission to move forward with consideration of the reorganization of West Santa Ana Heights at this time. Staff has outlined three options for the Commission regarding the City of Newport Beach's reorganization application. Staff is requesting direction from the Commission on which alternative to implement. The options include:

- Option 1: Approve Reorganization 06-25, as proposed, which would annex all of West Santa Ana Heights area to the City of Newport Beach.
- Option 2: Deny Reorganization 06-25 which would maintain West Santa Ana Heights as an unincorporated community.
- Option 3: Modify the City of Newport Beach's application from a single annexation for all of West Santa Ana Heights into three, distinct annexations that will be phased commensurate with the completion of certain key milestones. This approach will allow for continued discussion by both cities and could support the Commission's desire to achieve a comprehensive solution to the remaining boundary issues in this area.

Under Option 3, West Santa Ana Heights would be divided into three distinct annexation areas as illustrated in *Exhibit A*. Draft terms and conditions, outlined below, would be incorporated into separate resolutions for each of the three areas to implement a phased annexation plan.

- Annexation Area 1, which includes territory generally north of Mesa Drive, west of Irvine Avenue, and south of Orchard Drive, will annex after the City of Newport Beach files a complete annexation application for the Emerson island property located east of Tustin Avenue at Emerson Street.
- Annexation Area 2, which includes the territory generally north of Orchard, west of Kline Drive and south of Indus Street, will annex after: (1) the annexation of Area 1 is completed; and, (2) the City of Newport Beach files a complete application with LAFCO for the detachment of

portions of the one-foot wide strip of City property surrounding Banning Ranch as approved by LAFCO.

- Annexation Area 3, which includes a rectangular strip of commercial and residential development generally located east of Santa Ana Avenue, north of Mesa Drive, and south of Orchard Drive, will annex after the City of Costa Mesa and the Santa Ana Country Club mutually agree to a long-term governance plan for the Country Club property.

Banning Ranch (SOI 06-20)

The City of Costa Mesa has filed an application to amend the sphere of influence for 357 acres of Banning Ranch from Newport Beach to Costa Mesa. The property is located between the two cities, and potential access to the site is possible from either Newport Beach or Costa Mesa. To allow negotiations to continue between both cities on Banning Ranch boundary issues, staff is recommending that this application be continued for six months.

RECOMMENDATIONS

Staff recommends that the Commission:

1. Provide direction to staff regarding one of three options outlined in this staff report for the proposed West Santa Ana Heights Reorganization (RO 06-25), and direct staff to return at the June 13, 2006 meeting with appropriate resolutions and environmental documentation for implementation.
2. Continue consideration of the Banning Ranch sphere of influence amendment for six months.

Respectfully submitted,

  
JOYCE CROSTHWAITE

  
BOB ALDRICH

May 9, 2007  
RE: WSAH and Banning Ranch  
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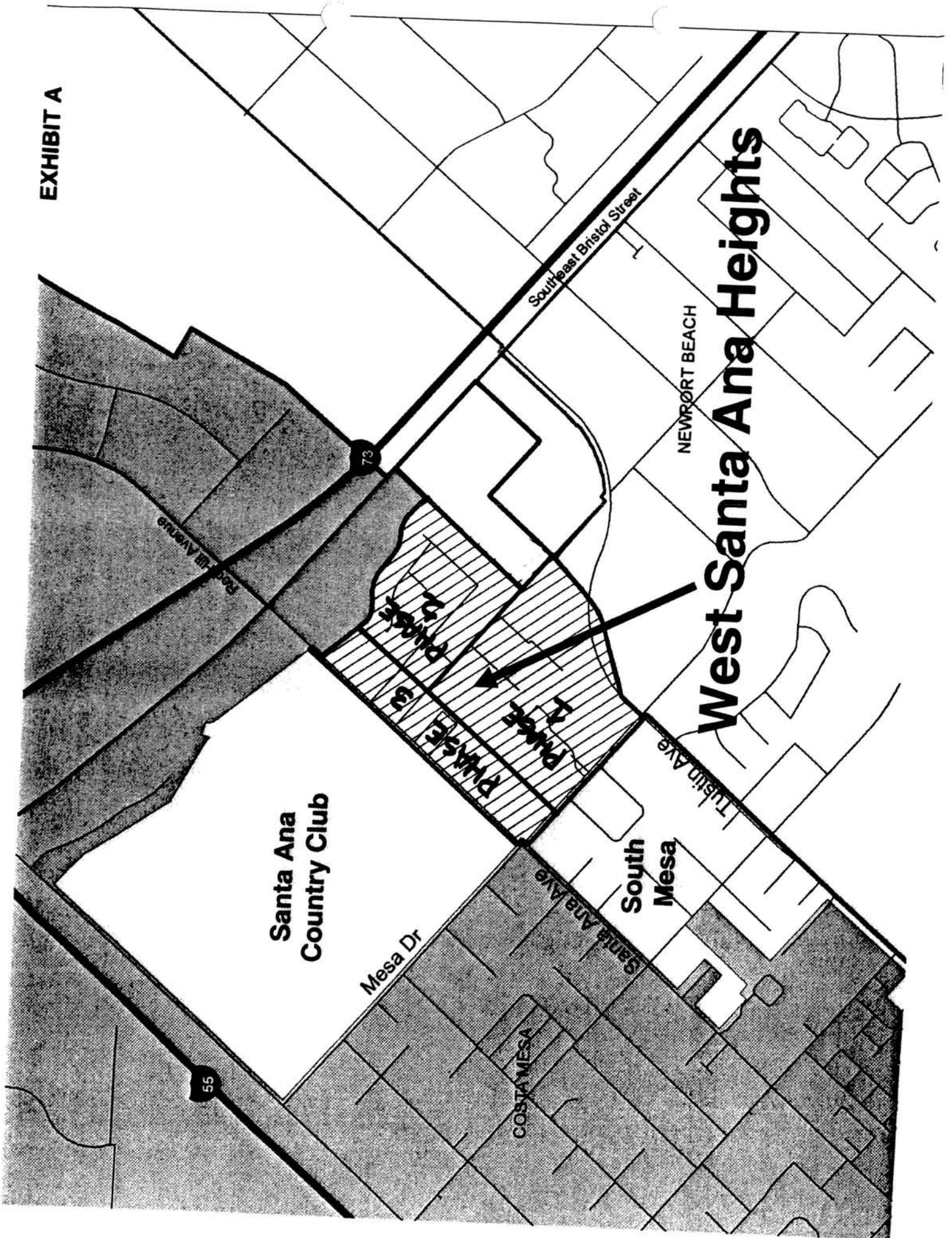
Exhibit

A. Proposed WSAH Annexation Phasing Map

Attachments

1. July 12, 2006 staff report – WSAH
2. July 12, 2006 staff report – Banning Ranch

**EXHIBIT A**









## ATTACHMENT 2

AGENCY FORMATION COMMISSION

ORANGE COUNTY

July 12, 2003

**CHAIR**  
**ROBERT BOUER**  
Councilmember  
City of Laguna Woods

**VICE CHAIR**  
**BILL CAMPBELL**  
Supervisor  
Third District

**PETER HERZOG**  
Councilmember  
City of Lake Forest

**ARLENE SCHAFFER**  
Director  
Costa Mesa  
Sanitary District

**SUSAN WILSON**  
Representative of  
General Public

**TOM WILSON**  
Supervisor  
Fifth District

**JOHN WITHERS**  
Director  
Irvine Ranch Water District

**ALTERNATE**  
**PATSY MARSHALL**  
Councilmember  
City of Buena Park

**ALTERNATE**  
**RHONDA MCCUNE**  
Representative of  
General Public

**ALTERNATE**  
**JAMES W. SILVA**  
Supervisor  
Second District

**ALTERNATE**  
**CHARLEY WILSON**  
Director  
Santa Margarita  
Water District

**JOYCE CROSTHWAITE**  
Executive Officer

**TO:** Local Agency Formation Commission

**FROM:** Executive Officer  
Assistant Executive Officer

**SUBJECT:** Proposed Reorganization of West Santa Ana Heights  
(RO 06-25)

### APPLICANT

City of Newport Beach by resolution.

### ANNEXATION REQUEST

The City is requesting annexation and concurrent sphere of influence amendment for approximately 83 acres of inhabited, unincorporated territory known as West Santa Ana Heights (see Exhibit A). The proposed annexation area is within the City of Costa Mesa's sphere of influence.

The proposed annexation territory is located north of Mesa Drive, east of Santa Ana Avenue, west of Irvine Avenue and south of John Wayne Airport. The area is largely built-out and includes a diverse mix of land uses. The County has adopted the Santa Ana Heights Specific Plan which designates land uses in the area. A Project Advisory Committee (PAC) for the area serves as an advisory board to the Board of Supervisors on planning and redevelopment issues. The City of Newport Beach has pre-zoned the territory to be consistent with that Plan.

### STAFF RECOMMENDATION

LAFCO staff recommends approval of the sphere amendment/annexation of West Santa Ana Heights to the City of Newport Beach. The annexation eliminates a large portion of an unincorporated island, may result in a higher level of municipal services for residents, and allows for more local representation. The annexation also provides an opportunity for all the parties involved to potentially resolve the boundary issues between the two cities comprehensively. Terms and conditions have been incorporated with the annexation to encourage an inclusive solution. Any solution will require the cooperation and dedication of all involved in finding a responsible and equitable solution.

July 12, 2006

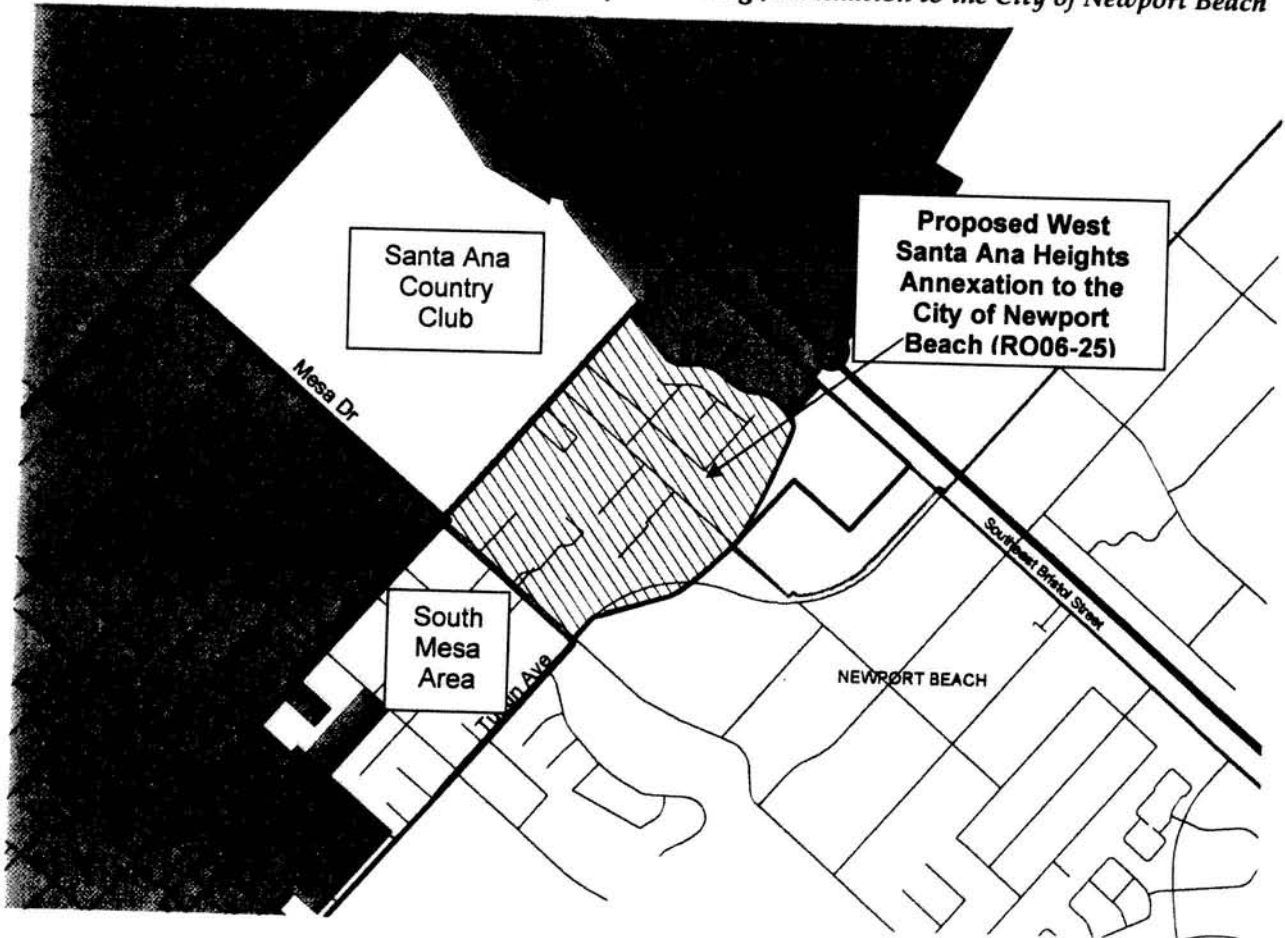
RE: West Santa Heights Reorganization (RO 06-25)

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### **BACKGROUND OF BOUNDARY ISSUES**

Boundary issues between Newport Beach and Costa Mesa in this area go back at least 30 years. The existing sphere of influence boundary between the two cities, along Tustin and Irvine Avenues, was originally recommended to LAFCO in 1969 by the "Inter-City Relations Committee" formed by the Cities of Costa Mesa and Newport Beach. This joint committee was formed to help resolve long-standing boundary disputes between the two cities.

*Exhibit A - Proposed West Santa Ana Heights Sphere Change/Annexation to the City of Newport Beach*



The committee recommended to LAFCO that Tustin and Irvine Avenues serve as the logical, future common boundary between the two cities. In 1973, LAFCO formally adopted a SOI boundary for the City of Costa Mesa, placing WSAH and the Santa Ana Country Club, directly west of WSAH, and the South Mesa area within the Costa Mesa SOI.

### **LAFCO Actions - September 2002**

In September 2002, LAFCO considered 13 island annexation applications for the unincorporated areas located in and around West Santa Ana Heights. The territory included a total of 580 acres, with 380 acres located with the City of Costa Mesa SOI and 200 acres located within the City of Newport Beach SOI.

In summary, the Commission approved the following actions on September 16, 2002:

- Annexation of the Santa Ana Country Club and the South Mesa area to the City of Costa Mesa
- Annexation of East Santa Ana Heights to the City of Newport Beach
- Reorganization of the Bay Knolls island between the Cities of Newport Beach and Costa Mesa
- Annexation of five small islands (under 75 acres) to the City of Costa Mesa
- Continued consideration of the annexation of WSAH to the City of Costa Mesa

### **Santa Ana County Club/South Mesa Annexations Terminated**

Following the September 2002 Commission action, approximately 79% of the registered voters within the South Mesa and Santa Ana Country Club areas filed written protests, overwhelmingly terminating the annexation of the Santa Ana Country Club and South Mesa area to the City of Costa Mesa. To date, the Santa Ana Country Club, South Mesa and West Santa Ana Heights areas remain unincorporated.

At the September 2002 meeting, LAFCO amended the Costa Mesa annexation application to exclude the West Santa Ana Heights portion. This action was taken to allow the City of Newport Beach additional time to determine if there was interest in serving all of Santa Ana Heights. The Cities of Newport Beach and Costa Mesa subsequently formed a committee of city council members to discuss boundary issues. The committee met infrequently and did not reach any agreements. Following several years of debate, the City of Newport Beach voted to initiate annexation of WSAH in February 2006.

### **ANALYSIS**

The application before the Commission is for an annexation and sphere amendment for the West Santa Ana Heights (WSAH) area only. The City of

Newport Beach, the County of Orange and the WSAH residents have agreed that the area should annex to the City of Newport Beach. To facilitate annexation, the County of Orange has also agreed to transfer substantial redevelopment money to the City of Newport Beach.

The site is within the sphere of the City of Costa Mesa. On March 7, 2006, the Costa Mesa City Council stated that the City would not oppose annexation of West Santa Ana Heights to the City of Newport Beach if the boundary between Newport Beach and Costa Mesa could be established as the "centerline" of Santa Ana Avenue and Mesa Drive adjacent to WSAH. The City of Costa Mesa has expressed concerns that annexation of WSAH will lead to annexation of other areas within their City's sphere and would like a buffer of unincorporated territory between the City of Newport Beach, the Santa Ana Country Club and the South Mesa area. LAFCO's current policy is to avoid splitting jurisdictional boundaries along street centerlines. In the past, this practice has led to difficulties in coordinating street maintenance and improvements between agencies.

#### **Other Potential Annexation Areas**

As previously noted, in 2002 the Commission made important progress in solving jurisdictional boundary issues between Newport Beach and Costa Mesa. However, significant amounts time and effort - both at the staff and elected officials level - continue to be expended by both cities, the County and LAFCO in trying to resolve the remaining boundary issues between Newport Beach and Costa Mesa. In addition to West Santa Ana Heights, other potential annexation areas in the Newport Beach - Costa Mesa area include:

1. *Emerson Island* - a one-acre, developed residential area generally located on the east side of Tustin Avenue, south of 21<sup>st</sup> Street. The territory was placed in the Newport Beach sphere of influence in 2002. The City of Newport Beach is currently preparing an annexation application for the property.
2. *Santa Ana Country Club* -- the 125-acre Santa Ana Country Club is a private, equity ownership country club which means that each member is a partial owner of the facility. Surrounded on three sides by the City of Costa Mesa, the property has been in the Costa Mesa sphere of influence for over 30 years. Primary access to the club is via Newport Boulevard which is located within the City of Costa Mesa. However, strong opposition from Country Club owners terminated an annexation attempt to the City of Costa Mesa in 2002, and it is likely that owner opposition

will continue in the future. The club supports annexation to the City of Newport Beach.

3. *South Mesa* - The South Mesa area is approximately 83 acres in size and is developed primarily with single family homes. A small commercial area, anchored by a Irvine Ranch Market, is located within the South Mesa area at the southwest corner of Mesa Drive and Irvine Boulevard. Over 79 percent of the registered voters within South Mesa protested LAFCO's approval of an annexation attempt by the City of Costa Mesa in 2002. The protest terminated the City's annexation proceedings for this area. Residents continue to strongly support annexation to the City of Newport Beach.
4. *Banning Ranch* - The Banning Ranch property consists of approximately 412 undeveloped acres. Approximately 357 acres (87 percent) are unincorporated, and 55 acres (13 percent) are located within the City of Newport Beach. The property is generally located immediately east of the Santa Ana River, north of Pacific Coast Highway, and south and west of the Cities of Costa Mesa and Newport Beach. Banning Ranch is located in the Newport Beach sphere of influence and is surrounded on the west, north, and northwest by a one-foot strip of Newport Beach. Potential access the site is possible from both Newport Beach and Costa Mesa.

In October 1950, three years prior to the incorporation of the City of Costa Mesa and 13 years prior to the formation of LAFCOs, a one-foot strip of property was annexed to the City of Newport Beach surrounding the Banning Ranch property on the west, north and northeast. Slightly less than two miles in length (9,841 feet), the 12-inch wide strip of Newport Beach effectively eliminates the City of Costa Mesa from ever annexing any portion of the Banning Ranch because it cuts off all contiguity to the City by one foot. In 1957, the State Legislature banned all strip annexations. Six years later, LAFCOs were formed to oversee city and district annexations throughout California and to ensure that boundaries were formed in a logical manner. LAFCO placed the Banning Ranch property in the Newport Beach sphere of influence in 1973.

#### **Laying a Foundation for a Comprehensive Solution: Banning Ranch**

If the Commission supports Newport Beach's request to approve the annexation of WSAH to the City of Newport Beach, it provides an additional opportunity for LAFCO to proactively address another long-standing boundary issue between Costa Mesa and Newport Beach: Banning Ranch. Government Code Section 56885.5 gives LAFCOs the authority to link one change of organization with another. Specifically, Government Code Section 56885.5 (a) states that



Commission approval of any change of organization or reorganization may be made conditional upon the completion of proceedings for another change of organization or reorganization.

Currently undeveloped, 412-acre Banning Ranch has been used for oil extraction purposes over the last 75 years. The ultimate use of the Banning Ranch property is yet to be determined - the County of Orange General Plan designates the majority of the property for open space uses. Because of the site's native habitat and resources, some would like to see the property preserved as permanent open space. The property owner of Banning Ranch is currently exploring development options for the property through the City of Newport Beach. One potential alternative under consideration is development of a portion of the site with residential uses, limited retail commercial uses and a small hotel. The northeastern portion of Banning Ranch is located immediately adjacent to the City of Costa Mesa's Westside "revitalization area" and the City's West 17<sup>th</sup> and West 19<sup>th</sup> Streets "dead-end" at the Banning Ranch property line. The City of Newport Beach indicates that access to the property, if developed, can also be taken through Newport Beach from Pacific Coast Highway (via a yet to be built "Bluff Road"), 16<sup>th</sup> Street, 15<sup>th</sup> Street and Ticonderoga.

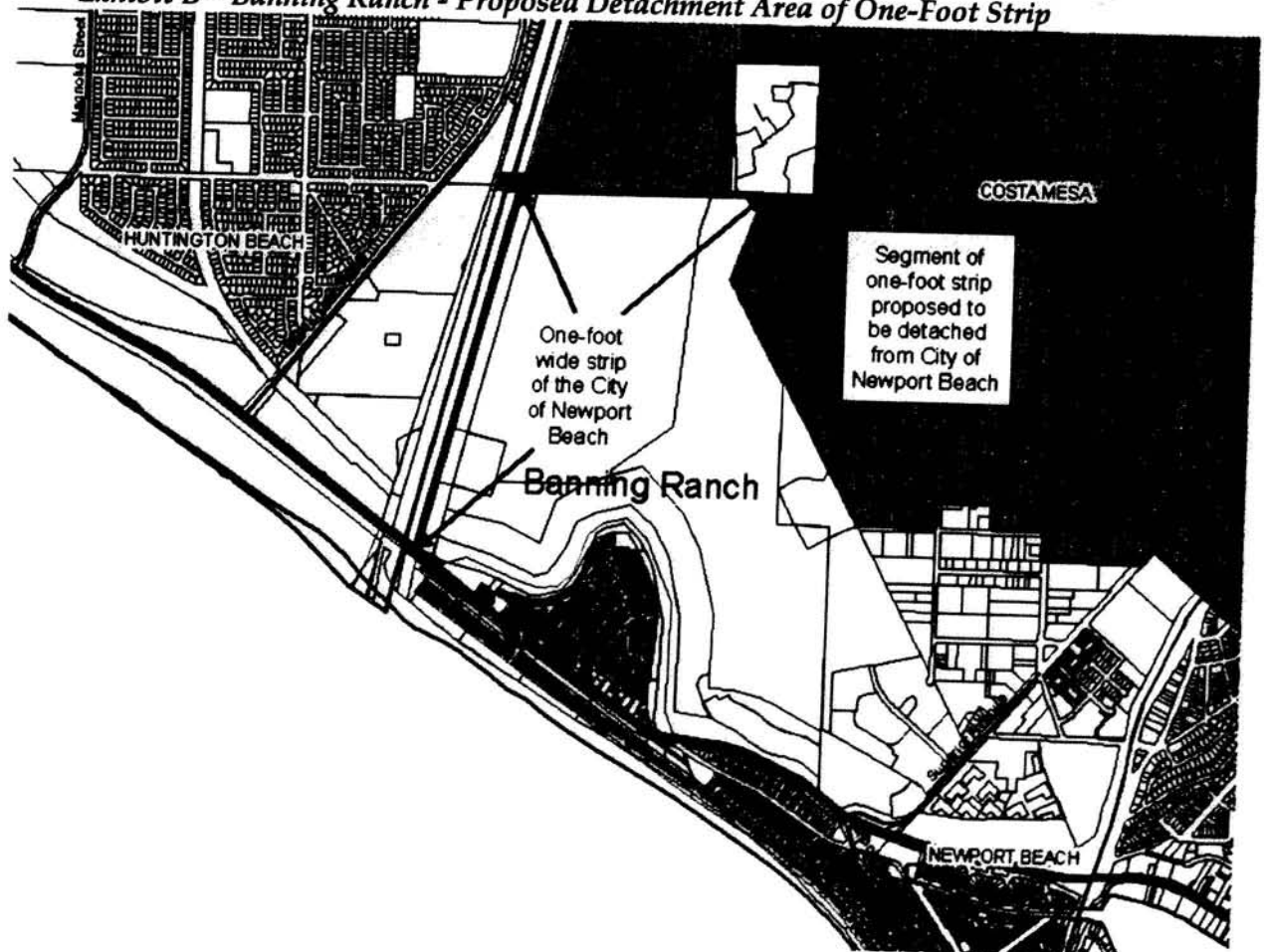
The Commission can approve the WSAH annexation to the City of Newport Beach contingent upon the City detaching an approximately 2,380 foot (less than .5 mile) portion of the one-foot strip which currently separates the northeasterly portion of Banning Ranch from the City of Costa Mesa (see Exhibit B on page 7 of this report). Detachment of a portion of the one-foot strip does not necessarily preclude the City of Newport Beach from annexing the entirety of Banning Ranch in the future. This action would, however, allow LAFCO, the landowner, the City of Newport Beach and the City of Costa Mesa to engage in meaningful discussions regarding long-term service delivery and governance for Banning Ranch.

Conditioning the annexation of WSAH to Newport Beach in this way provides the Commission with a unique opportunity to: (1) identify the full range of service options and providers available for Banning Ranch; and, (2) proactively work with both the City of Costa Mesa and the City of Newport Beach to comprehensively address all outstanding boundary issues between the two cities. To facilitate discussions between the two cities, staff is recommending that recordation of the West Santa Ana Heights annexation to the City of Newport Beach be contingent upon both detachment of a portion of the one-foot strip and the City of Newport Beach and the City of Costa Mesa agreeing to a series of professionally facilitated discussions, not to exceed 90 days in length, to determine the logical, long-term service provider(s) for Banning Ranch.

**What is More Important for LAFCO?**

One of the key issues that the Commission must address is: "What is more important for LAFCO?" If the Commission believes annexing islands and improving the level of municipal services for residents is more important, then consideration should be given to annexation of West Santa Ana Heights and eventually the Santa Ana Country Club and South Mesa area to the City of Newport Beach. While this would help to resolve the two cities' long-standing boundary issues, the boundaries would not respect the long-established sphere of influence boundaries that were developed jointly by both city councils. If, on the other hand, LAFCO believes that respecting the existing city spheres, which were jointly developed over 30 years by both cities and provide for a logical boundary between Newport Beach and Costa Mesa along Irvine/Tustin Avenues, then West Santa Ana Heights, the Santa Ana Country Club and the South Mesa areas should be eventually annexed to the City of Costa Mesa. However, it is likely that registered voters and landowners in all three areas will strongly protest any attempt by Costa Mesa to annex.

***Exhibit B - Banning Ranch - Proposed Detachment Area of One-Foot Strip***





### **ENVIRONMENTAL REVIEW**

The City of Newport Beach completed and determined that the proposed sphere of influence amendment and annexation of West Santa Ana Heights would not have significant effect on the environment as determined by CEQA.

Accordingly, a draft Negative Declaration (Attachment 1) was prepared and noticed in accordance with existing guidelines for implementing CEQA. No comments on the draft Negative Declaration have been received.

### **LETTERS OF COMMENT**

Three letters of comment (Attachments 2 through 4) were received by staff and are summarized below:

City of Costa Mesa: The City's comment letter (Attachment 2) references the City Council's action of March 7, 2006 in which the City stated it would oppose the annexation of West Santa Ana Heights unless the boundary between Newport Beach and Costa Mesa is established as the "centerline" of Santa Ana Avenue and Mesa Drive adjacent to West Santa Ana Heights. The letter additionally states that the City of Costa Mesa continues to oppose any change in the existing sphere of influence for the Santa Ana Country Club and the South Mesa area.

John Wayne Airport: The JWA comment letter (Attachment 3) expresses concern regarding the proposed annexation boundary extending into a portion of the Newport Beach Golf Course which also serves as part of the JWA Runway Protection Zone. Staff has been in contact with both JWA and the City of Newport Beach regarding this issue. The City has agreed to modify the annexation boundary so that the entire golf course area remains within the unincorporated area. Terms and conditions have been included in the adopting resolution which requires the City of Newport Beach to prepare a modified map and legal description addressing this issue prior to recordation of the WSAH annexation.

County of Orange: The County of Orange comment letter (Attachment 4) identifies proposed conditions which address transfer of ownership and maintenance of certain local facilities from the County to the City upon annexation. Terms and conditions have been included in the draft adopting resolution which addresses these items.

### **ALTERNATIVE COMMISSION ACTIONS**

There are number of alternative actions regarding the City of Newport Beach's annexation/sphere request for West Santa Ana Heights for the Commission to

consider. Key options are summarized below, followed by staff comments on each alternative.

Options:

1. *Deny the City's reorganization and sphere amendment request for West Santa Ana Heights.* This option respects the existing sphere of influence boundaries that have been in effect for Newport Beach and Costa Mesa since 1973. This option, if selected by the Commission, will likely result in West Santa Ana Heights remaining an unincorporated island for the foreseeable future.
2. *Approve the City's reorganization and sphere amendment request for West Santa Ana Heights.* This alternative respects the desire of West Santa Ana Heights residents to become part of the City of Newport Beach, significantly reduces the size of a large unincorporated island, and will likely enhance the level of services to WSAH residents.
3. *Approve the City's annexation and sphere amendment request for West Santa Ana Heights but make approval contingent (as permitted under Government Code Section 56885.5) on the City of Newport Beach detaching a portion of the Banning Ranch "strip" and entering into a series of professionally facilitated discussions with LAFCO and the City of Costa Mesa regarding long-term service provision to Banning Ranch.* This option provides for the benefits of Option 2, above, but also has the potential to comprehensively address the remaining boundary and service issues between the Cities of Costa Mesa and Newport Beach.

**RECOMMENDATIONS:**

Staff recommends that the Commission:

1. Certify that the information contained in the City of Newport Beach's Negative Declaration (Attachment 1) prepared for this project has been reviewed and considered.
2. Adopt the Statement of Determinations as required by Government Code Section 56425 (Attachment 5)
3. Adopt the resolution (Attachment 6) approving the proposed West Santa Heights Reorganization (RO 06-25) for the City of Newport Beach. The

July 12, 2006

RE: West Santa Heights Reorganization (RO 06-25)

Page 10

resolution approves: (1) a sphere of influence change for West Santa Ana Heights from the City of Costa Mesa to the City of Newport Beach; and (2) the annexation of West Santa Ana Heights to the City of Newport Beach.

The resolution includes terms and conditions which preclude recordation of the annexation until: (1) the City of Newport Beach files a complete application with LAFCO for detachment of approximately 2,380 feet of territory (as shown on Exhibit B of this report) no later than September 1, 2006, and (2) the City of Newport Beach and the City of Costa Mesa agree to participate in a series of professionally facilitated discussions, not to exceed 90 days in length, to determine the logical, long-term service provider(s) for Banning Ranch.

4. Set a 30-day period of protest.

Respectfully submitted,

  
JOYCE CROSTHWAITE

  
BOB ALDRICH

Exhibits

- A. Location Map
- B. Banning Ranch Map

Attachments

1. Negative Declaration (City of Newport Beach)
2. Comment Letter - City of Costa Mesa
3. Comment Letter - John Wayne Airport
4. Comment Letter - County of Orange
5. Statement of Determinations
6. Adopting Resolution



## COMMENT LETTER – ATTACHMENT 3

### Why Area 7 Should Be Annexed To Newport Beach.

Each of the following points can be expanded to give more detail if requested.

#### A Brief History

All parts of Area 7, as well as east Santa Ana Heights now a part of Newport Beach, were considered to be part of the old, early 1900s, widely recognized community of Santa Ana Heights adjacent what evolved into the county airport. A private water company, the Santa Ana Heights Water Company, served this area from its own wells. As the geographic area developed during and after World War II, Santa Ana Heights did not go on to become an incorporated city. In the early 1960s the Irvine Company began to plan the development of the Irvine Ranch, which eventually led to the establishment of UCI and the city of Irvine. The Irvine Company made a conscious decision to ignore Santa Ana Heights as a potential center of their development. They preferred a location more in the center of the Ranch thus they selected a grain elevator they owned near the Golden Triangle as the nominal center of the new city of Irvine.

The Irvine Company planned to develop the Back Bay area into a rival of Marina Del Ray. At that point in the 1960s the citizens in Area 7 expected to become part of Newport Beach and a part of the marina. Also in the 1960s the state passed laws known as the Cortese-Knox-Hertzberg (CKH) act partly to enable planned development like Irvine's. The goal of this act was to prevent aggressive government agencies, almost always in California either cities or water districts, from effectively confiscating land by annexing it against the owners will and forcing the owners to pay city taxes or to use water from a controlled source. This led to the formation of an agency, LAFCO that would broker agreements amongst the competing agencies, landowners and residents to keep land from being prematurely annexed in agency races for development rights. LAFCO was intended to protect landowners and citizens rights. Written into the act was a protest procedure that would allow affected citizens and landowners to render any action by LAFCO null and void by a simple majority vote.

In 1969 the newly active LAFCO attempted to define the eastern / western boundary of Newport Beach/ Costa Mesa. This boundary had not been finalized when the city of Costa Mesa was created in the 1950s when most of the Costa Mesa/Newport Beach boundaries were defined because it could not be agreed on. An area that stretched from Bay Knowles to Area 7 remained a county island and buffer zone. After much discussion LAFCO settled on Tustin Ave, but they recognized at the time that it was not the ideal natural boundary as it was not even a through street. Indeed the only major through street that could be a natural barrier between the two cities on this side is the 55 Freeway. In 1973 they reconsidered the problem after contacting the cities and LAFCO voted by a split vote to continue to support Tustin Ave as the boundary street again recognizing that it was not an obvious choice. Public notice for each meeting was confined to a three-line, one column want ad in the Daily Pilot. The sum of public attendance at both meeting was 4 people and there is no indication that they spoke on this issue or indeed came to the meeting for this issue. None of my neighbors knew about the meetings. When we found

out about the meeting long after the fact we were confident that we could protest out of any annexation to Costa Mesa.

Much has been made of the fact that the one-foot strip that defines Newport Beaches claim to the Banning Ranch would not pass muster under current LAFCO procedures. True, but neither would the notification procedures that almost guaranteed that there would be no effective citizen/landowner input to the 1969 and 1973 sphere decision. It is a case of the pot calling the kettle black.

When LAFCO held a public meeting with adequate notice in the late 1990s at the start of the latest annexation push no citizen from Area 7 spoke in favor of annexation to Costa Mesa. The Supervisors who wanted to get out of the island business in the wake of the County bankruptcy started this push for annexation. Costa Mesa mounted a multiyear effort with numerous well-done presentations to convince the residents that they should agree to be annexed by Costa Mesa. At the final hearing we told LAFCO that all of Area 7 would protest out; nevertheless they demanded that the SACC and the SOM part of Area 7 go through a formal protest procedure. LAFCO recognized that WSAH who had actively opposed Costa Mesa for years would protest out and thus they were not required to protest. Instead LAFCO asked Newport Beach if they would consider annexing Area 7. We successfully protested out of the annexation by a margin of 15 to 1 for Newport Beach over Costa Mesa. Over 77% of the registered voters favored annexation to Newport Beach. Only a 5% favored Costa Mesa. Almost all of this group was renters. All of the homeowners and most of the renters favored Newport Beach. Some registered voters could not be located. After the protest vote the Costa Mesa City Council recognized in a public discussion that there is no way they can proceed with annexation because they cannot win a protest election in the area. At that point all of us in Area 7 thought that the annexation to Newport Beach would go smoothly as it had for the other large contiguous area of this County Island – Bay Knowles. We had fulfilled every task assigned to us by LAFCO and Newport Beach had agreed to annex us despite heavy and unseemly pressure from Costa Mesa's boosters.

However a change of staff leadership at LAFCO and a new set of Supervisors gave Costa Mesa the opportunity to bring in a new set of issues- Banning Ranch - under the guise of a "global solution" to the Newport Beach/Costa Mesa boundaries. It almost appears that Newport Beach and Area 7 were subject to the old bait and switch scam. The current island annexation drive started because the Supervisors wanted out of the islands. There is no mention of Banning Ranch which was a part of Newport Beach before LAFCO was formed and before the city of Costa Mesa was incorporated. The residents of Area 7 asked Newport Beach to annex them. The annexation was thoroughly studied by Newport Beach. Area 7 was pre-zoned and the annexation was approved by the planning commission. Newport Beach applied to annex WSAH. SOM and SACC prepared our own annexation application for the rest of Area 7. We undertook this substantial effort to make clear that we asked Newport Beach to take us. Newport Beach is not being aggressive; rather Costa Mesa is being hyper aggressive. If this was personal we would be justified in seeking a restraining order. Newport Beach and the residents agreed to one deal when LAFCO staff and Costa Mesa suddenly introduced Banning Ranch.



Term limits have made the problem of durable commitments worse. None of the original supervisors are still serving on LAFCO. However enough of the LAFCO commissioners have served during the whole process so that the commission can follow all the moves. Banning Ranch is a separate issue. At the end of the day the Commission has to realize that the protest will successfully oppose any attempt to annex Area 7 to Costa Mesa. This opposition is based on real factors that have not changed in the past 40 years and will likely operate for the next 40 years. We demand that LAFCO fulfill its intended function and protect us from the overly aggressive behavior of Costa Mesa as they try to annex us by any scheme.

### Why was the Protest Vote so overwhelming?

A margin of 15 to 1 is almost unheard of in American politics. A number of factors enter into this margin. One factor is economic. Location is the primary factor that determines the value of property including the value of a single-family residence and raw land. An equivalent house in Newport Beach will be worth about 50% more than in Costa Mesa. For the average homeowner in this region this difference in property value translates into somewhere around \$200,000 dollars. Property Taxes will not increase because of Proposition 13.

The assessed value of the property in Area 7 is about 112 million dollars. If that property is annexed into Newport Beach and then sold it will be worth 50% more. Due to Proposition 13, this increase in value of 56 million dollars will be realized over time as property changes hands, but it is real money. Because of a number of factors this is a very minimal estimate of the increase in value if this area is annexed by Newport Beach. The annual property tax increase realized over time for this property with a Newport Beach address will amount to about a million dollars. Almost all of Area 7 is in one of two Community Redevelopment Area. Most of Area 7 is in the Neighborhood Development and Preservation Project that is composed of 14 noncontiguous areas scattered throughout the county. The area north of Mesa and East of Santa Ana Ave is split between this redevelopment project and the Santa Ana Heights Redevelopment Project. Both of these redevelopment areas should be transferred to the city and will become a valuable source of flexible revenue. The annexation to Newport Beach is a win for the property owners, who will have more say about how the revenues are spent, and the city who will gain a source of revenue.

### What services do not change with annexation to Newport Beach?

The school district stays the same - Newport Mesa Unified.

The sewer district stays the same – Costa Mesa Sewer district that is independent of the city of Costa Mesa.

The trash collection service stays the same – Waste Management Inc.

The water district stays the same - Irvine Ranch Water District.



### What services are better in Newport Beach?

In general all of the comparable city services are better in Newport Beach because on average Newport spends about twice as much on a per capita basis as Costa Mesa does. In some case the services are even better than twice as good in Newport Beach. Probably the most outstanding difference is the library system that is 5 times bigger and at least 5 time better in Newport.

While both cities have senior centers the Newport center is considerably more active.

The fire departments are excellent in both cities, but the Newport Beach Fire Department is closer to all of area 7 and has to go through fewer light controlled intersections than the Costa Mesa Fire Department. Since this is not widely appreciated, the mileage to the Mesa/Irvine intersection is: 0.4 NB/ 1.7 CM; Mesa/Santa Ana 0.7 NB/ 1.5 CM; Santa Ana/University .9 NB/ 1.2 CM; and to the SACC entrance 1.0 NB/1.0 CM. Not only is the fire station closer but the staffing pattern is better in Newport Beach. Residents per Sworn Fireman are 1112 NB to 2113 CM Thus Newport Beach service is 1.9 times better.

Both police departments are excellent. But again the Sworn Officer per resident ratio favors Newport Beach. Residents per Sworn Police officer are 709 for Newport Beach and 1043 for Costa Mesa. Newport Beach is 1.5 times better and the non-sworn officer-staffing pattern makes the difference between the two cities even stronger.

Overall the city staff in Newport Beach is able to be more responsive because they have a better staff to resident ratio. Residents per full time city staff are 109 Newport Beach and 197 Costa Mesa. Thus Newport Beach is able to provide is able to provide 1.8 times better service.

The same difference holds for parks although in general residents can use either cities park except for certain sports events. Residents per park acre are 1568 for Newport Beach and 3708 for Costa Mesa. Newport Beach is 2.4 better in this area.

### What services are better in Costa Mesa?

The municipal golf course in Costa Mesa gives a few dollars off peak discount from the posted rate per round to senior citizens who reside in Costa Mesa.

Why will the annexation of Area 7 lead to better relations with the city of Costa Mesa?

This will complete the eastern boundary of Costa Mesa with Newport Beach. It is important that everyone understand that with a 15 to 1 edge we will be able to protest out of any annexation attempt by Costa Mesa. Annexation to Newport Beach has an economic and service edge that is not going to change. LAFCO is charged with annexing

the county islands to cities. LAFCO is also charged with protecting the rights of citizens and landowners from aggressive tactics by governmental entities and utilities. So long as this area is not annexed to Newport Beach it will be a thorn in the two cities relationships. The only natural barrier in this area is the 55 Freeway. The other north/south roads are one lane each direction streets except for Irvine Avenue which is anything but straight. The sensible solution is to bow to the will of the residents and offer to annex the whole of area 7. You should follow the course of action you started in 2002.

In view of our pending application for a sphere change and annexation to Newport Beach we would oppose the City of Costa Mesa's proposal to contract with the county to furnish services to Area 7. If any city takes over service for this area prior to annexation, it should be the City of Newport Beach.

Respectively,

Cal McLaughlin  
2616 Redlands Drive  
Costa Mesa, CA 92627  
[cal@uci.edu](mailto:cal@uci.edu)  
949-646-5191

Paul Watkins  
6408 West Ocean Front  
Newport Beach, Ca. 92663  
[paul@lawfriend.com](mailto:paul@lawfriend.com)  
714-556-0800



# ATTACHMENT 4

City of Newport Beach  
3300 Newport Boulevard - P.O. Box 1768  
Newport Beach, CA 92658-8915  
(949) 644-3200

## NEGATIVE DECLARATION

To:



Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814



County Clerk, County of Orange  
Public Services Division  
P.O. Box 238  
Santa Ana, CA 92702

From: City of Newport Beach  
Planning Department  
3300 Newport Boulevard - P.O. Box 1768  
Newport Beach, CA 92658-8915  
(Orange County)

Date received for filing at OPR/County Clerk

*Public Review Period: July 12 to August 11, 2003*

<b>Name of Project:</b>	Project PA 2003-149: General Plan Amendment GP 2003-005 and Code Amendment CA 2003-006 (Area 7 Annexation)
<b>Project Location:</b>	South of Bristol Street, west of Irvine Avenue and the Newport Beach Golf Course, north of the Costa Mesa city boundary, and east of the 55 freeway.
<b>Project Description:</b>	General plan amendment, rezoning, sphere of influence amendment, and annexation of West Santa Ana Heights, the Santa Ana Country Club and the area south of Mesa Drive to the City of Newport Beach
<b>Finding:</b>	Pursuant to the provisions of City Council Policy K-3 pertaining to procedures and guidelines to implement the California Environmental Quality Act, the City has evaluated the proposed project and determined that it would not have a significant effect on the environment.

A copy of the Initial Study containing the analysis supporting this finding is attached and on file at the Planning Department. The Initial Study may include mitigation measures that would eliminate or reduce potential environmental impacts. This document will be considered by the decision-makers prior to final action on the proposed project.

Additional plans, studies and/or exhibits relating to the proposed project may be available for public review. If you would like to examine these materials, you are invited to contact the undersigned. If you wish to appeal the appropriateness or adequacy of this document, your comments should be submitted in writing prior to the close of the public review period. Your comments should specifically identify what environmental impacts you believe would result from the project, why they are significant, and what changes or mitigation measures you believe should be adopted to eliminate or reduce these impacts. There is no fee for this appeal. If a public hearing will be held, you are also invited to attend and testify as to the appropriateness of this document. If you have any questions or would like further information, please contact Larry Lawrence, project manager for the City, at 949-661-8175.

Patricia L. Temple,  
Planning Director

Date: July 1, 2003

**CITY OF NEWPORT BEACH**  
**INITIAL STUDY AND ENVIRONMENTAL CHECKLIST**

**NOTE: Passages which are double-underlined have been added or amended in response to comments received on this Initial Study/Negative Declaration**

1. **Project Title:**  
Project PA 2003-149, including General Plan Amendment GP 2003-005 and Code Amendment CA 2003-006: General Plan Amendment, Rezoning, Sphere of Influence Amendment and Annexation of West Santa Ana Heights, the Santa Ana Country Club, and the area south of Mesa Drive (for reference purposes, the entire annexation area is referred to herein as "Area 7" (see map at end of document))
2. **Lead Agency Name and Address:**  
City of Newport Beach  
Planning Department  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915
3. **Contact Person and Phone No.:**  
Larry Lawrence, Project Manager for City,  
Lawrence Associates  
949-661-8175
4. **Project Location:**  
South of Bristol Street, west of Irvine Avenue and the Newport Beach Golf Course, north of the Costa Mesa city boundary, and east of the 55 freeway. (see map at end of document)
5. **Project Sponsor's Name/Address:**  
City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915
6. **General Plan Designations:**  
Various residential, commercial, and open space designations under County of Orange General Plan.
7. **Zoning:**  
Santa Ana Heights Specific Plan, and various residential, commercial, and open space designations, under County of Orange
8. **Description of Project:**  
General plan amendment, rezoning, sphere of influence amendment, and annexation of approximately 277 acres, described as Area 7.  
  
Prior to review of the annexation by the Local Agency Formation Commission, the City of Newport Beach intends to process a general plan amendment and a zoning amendment.

9. Surrounding Land Uses And Setting (see map at end of document):

Direction	Surrounding Land Uses
To the west:	The 55 Freeway and Residential in the City of Costa Mesa
To the north	Bristol Street, John Wayne Airport, Corona del Mar Freeway, and business park uses in the City of Costa Mesa
To the east:	The Newport Beach Golf Course and office uses in the City of Newport Beach
To the south:	Residential uses in the City of Costa Mesa

10. Other Public Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement):

Orange County Local Agency Formation Commission (LAFCO) and County of Orange.

11. Existing Conditions:

Land Use And Development

With the exception of a few vacant infill lots, the annexation area is built out. Current land uses in the area include single family and multiple family residential, professional office, horticultural nursery, the Santa Ana Country Club, and accessory equestrian and kennel uses.

The General Plan and Zoning Code for the City of Newport Beach do not cover the proposed annexation area. Therefore, land use and circulation designations and specific plan provisions must be adopted by the City in conjunction with annexation. Thus, general plan and rezoning amendments are part of the present annexation package.

The subject property is currently located within the Costa Mesa Sphere of Influence. A competing annexation application for the West Santa Ana Heights area to the City of Costa Mesa is currently on file with LAFCO.

Public Services

Public safety and other services for the annexation area are currently provided by the County of Orange, the Orange County Sheriff's Department, and the Orange County Fire Authority.

Utilities and Service Systems

Sewage collection is provided by the Costa Mesa Sanitary District while sewage treatment is provided by the Orange County Sanitation Districts. Water facilities and service are provided by the Irvine Ranch Water District (IRWD). Solid waste is collected by Waste Management Inc.

**12. Environmental Factors Potentially Affected:**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Noise                  |
| <input type="checkbox"/> Agricultural Resources      | <input type="checkbox"/> Hazards/Hazardous Materials        | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Air Quality                 | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Public Services        |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Recreation             |
| <input type="checkbox"/> Cultural Resources          | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |   |

No potentially significant impacts were found in any of the above areas. "No Impact" and "No Significant Impact" responses were given in all categories because the change in jurisdiction from the County of Orange to the City of Newport Beach will not result in any significant environmental effect. Any impacts in the areas of public services and utilities, such as police, fire, water, and sewer, will be less than significant. Also, any impacts on air quality, biological resources, water quality, or other environmental categories are the result of existing development or of previously-approved development plans, which will not change as a result of the change in jurisdiction.

**13. Determination. (To be completed by the Lead Agency.) On the basis of this initial evaluation:**

I find that although the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared. ☒

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **NEGATIVE DECLARATION** will be prepared. ☐

I find that the proposed project MAY have a significant effect on the environment, and **ENVIRONMENTAL IMPACT REPORT** is required. ☐

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed. ☐



☐

Date \_\_\_\_\_

Printed Name

SECTIONS: A. ENVIRONMENTAL CHECKLIST  
B. EXPLANATION OF CHECKLIST RESPONSES

**A. ENVIRONMENTAL CHECKLIST**

The Environmental Checklist provides a preliminary analysis of the proposed project's potential for significant environmental impacts. Sources of information for all responses are specified immediately following the checklist.

The Initial Study indicates that the project may result in significant environmental impacts but that those impacts will be reduced to a less-than-significant level through the implementation of mitigation measures identified in the Study.

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
<b>I. AESTHETICS.</b>					
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,5,6
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,5,6
<b>II. AGRICULTURE RESOURCES.</b>					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,5,6

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,5,6
<b>III. AIR QUALITY.</b>					
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,9,10,11
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,9,10,11
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,9,10,11
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,9,10,11
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,9,10,11
<b>IV. BIOLOGICAL RESOURCES.</b>					
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
<b>V. CULTURAL RESOURCES.</b> Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
<b>VI. GEOLOGY AND SOILS.</b>					
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,7,11
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,7,11
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,7,11
d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	n/a
<b>VII. HAZARDS &amp; HAZARDOUS MATERIALS.</b>					
Would the project:					
a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,8,11

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,8,11
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,8,11
d) Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,8,11
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,8,11,12,13
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	n/a
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,8,11
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,8,11
<b>VIII. HYDROLOGY AND WATER QUALITY.</b>					
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,11



IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,11
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,11
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,11
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,11
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,11
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,11
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,11
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,11
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,11

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
<b>IX. LAND USE AND PLANNING.</b>					
Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,5,6,11
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4,5,6,11, <u>12,13</u>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,5,6,11
<b>X. MINERAL RESOURCES.</b>					
Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,11
<b>XI. NOISE.</b>					
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,8,11, <u>12,13</u>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,8,11
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,8,11, <u>12,13</u>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,8,11, <u>12,13</u>

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
e) For a project located within an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,8,11,12,13
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	n/a
<b>XII. POPULATION AND HOUSING.</b>					
Would the project					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,11
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,11
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,11
<b>XIII. PUBLIC SERVICES</b>					
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:					
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,4,11
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,4,11
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,11

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,11
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,4,11
<b>XIV. RECREATION</b>					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,6
<b>XV. TRANSPORTATION/TRAFFIC</b>					
Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
b) Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6,11
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,6

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bike racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
<b>XVI. UTILITIES AND SERVICE SYSTEMS</b>					
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
g) Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of a major period of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-13
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-13
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-13

#### **XVIII. EARLIER ANALYSES.**

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063). For the present annexation project, no significant impacts have been identified. All earlier analyses are listed under *Source References*, below.

#### **XIX. SOURCE REFERENCES.**

Documents listed below are available at the offices of the City of Newport Beach, Planning Department, 3300 Newport Boulevard, Newport Beach, California 92660 (Note: Reference No. 1 denotes a physical inspection and therefore is not in the form of a written document).

1. Site visits to annexation area by Larry Lawrence, project manager for City of Newport.



2. **Report to Newport Beach City Council re Annexation of Area 7**, by Dave Kiff, Assistant City Manager, March 11, 2003.
3. **Final Program EIR – City of Newport Beach General Plan.**
4. **General Plan**, including all Elements, City of Newport Beach.
5. **Zoning Code**, Title 20 of the Newport Beach Municipal Code.
6. **Santa Ana Heights Specific Plan**, County of Orange.
7. **City Excavation and Grading Code**, Newport Beach Municipal Code.
8. **Community Noise Ordinance**, Chapter 10.28 of the Newport Beach Municipal Code.
9. **Air Quality Management Plan**, South Coast Air Quality Management District, 1997.
10. **Air Quality Management Plan EIR**, South Coast Air Quality Management District, 1997.
11. **FEIR No. 508, John Wayne Airport Master Plan and Santa Ana Heights Land Use Compatibility Program**, County of Orange, February 1985.
12. **Airport Environs Land Use Plan (AELUP)**, Airport Land Use Commission, December 19, 2002.
13. **California Airport Land Use Planning Handbook**, Caltrans Division of Aeronautics, January 2002.

### **B. EXPLANATION OF CHECKLIST RESPONSES:**

In all cases, the selection of the Checklist response was the product of the data sources listed above, followed by careful consideration of potential impacts from the project under the definitions and procedures of the California Environmental Quality Act (CEQA) Statute and Guidelines.

No potentially significant impacts were found. "No Impact" and "No Significant Impact" responses were given in all categories because the change in jurisdiction from the County of Orange to the City of Newport Beach will not result in any environmental effect. Any impacts on air quality, biological resources, water quality, or other categories are the result of existing development or of previously-approved development plans, which will not change as a result of the change in jurisdiction. (Such impacts have been analyzed in previous environmental impact reports available for inspection at the City of Newport Beach and the County of Orange.)

Notwithstanding the lack of significant impact found, the following sections contain further explanations of responses in the salient areas of Land Use and Planning, Public Services, and Utilities and Service Systems.

• **HAZARDS AND HAZARDOUS MATERIALS:**

**Safety on the Ground:**

The Airport Environs Land Use Plan (AELUP) states that, "The Commission has not adopted Accident Potential Zones for this airport (JWA) because none could be justified with the available data." However, it should be noted that the a Runway Protection Zone has been established for the takeoff pattern beyond the end of the JWA runway. This area is occupied by the Newport Beach Golf Course. Aside from this open space use, no building development intrudes into the RPZ.

**Safety Aloft:**

This consideration refers primarily to building height in the present context. The affected portion of the annexation area was built out under the County's Santa Ana Heights Specific Plan, which recognized the AELUP and FAA height restrictions. The tallest maximum height in the affected area is 42 feet, allowed for the existing Newport Trade Center on Irvine Avenue.

• **LAND USE AND PLANNING:**

**General Plan and Rezoning:**

The County's Santa Ana Heights Specific Plan originally covers both east and west Santa Ana Heights. The City of Newport Beach's Santa Ana Heights Specific Plan (Chapter 20.44 of the Zoning Code) presently covers only east Santa Ana Heights, the area recently annexed to the City. Other differences between the two jurisdiction's Santa Ana Heights specific plans include the following:

1. The County plan format has four chapters: "Introduction", "The Plan", "Community Design Program", and "Land Use District Regulations", while the City version uses the Zoning Code's "Specific Plan District" format, inserting similar provisions into one chapter of the Zoning Code, with exhibits at the end of the chapter.
2. The County plan includes the West Santa Ana Heights portion of the annexation area, i.e. the area between the Newport Beach Golf Course and the Santa Ana Country Club, while the City plan does not.

To correct inconsistencies such as those listed above, general plan and rezoning actions by the City of Newport Beach have been made part of the present annexation project (see page 1 of this Initial Study). The intent of these applications is to retain the current land use and zoning regulations presently in effect under the County. Thus, in terms of land use and planning, the net result of the annexation will be a less-than-significant environmental impact.

**Redevelopment Areas:**

Area 7 is in two County redevelopment areas. The West SAH region is part of the Santa Ana Heights "Redevelopment Project Area" (RDA). The Santa Ana Country Club and South of Mesa Drive areas are within the Back Bay RDA. Thus, a portion of the areas' property taxes (called the "tax increment") are presently diverted to the Orange County Development Agency for infrastructure projects that address "blight" in the area. By State law, 20% of the tax increment must be used to increase the area's supply of low-and moderate-income housing. Upon annexation, it is likely that administration of these redevelopment areas will pass to the City. The City would then begin the necessary steps to

utilize the redevelopment tax increment to improve infrastructure (e.g. street, sidewalks, utilities) in the area.

- **NOISE:**

Over half of the west Santa Ana Heights portion of the annexation area lies within the 65 CNEI contour established by County EIR 508, which was the environmental impact report prepared jointly for the John Wayne Airport Master Plan (AMP) and the Santa Ana Heights Land Use Compatibility Program (LUCP) and recognized in the AELUP. The impacted area is virtually built out and consists of single family and multifamily residential development and a business park (the Newport Trade Centre on Irvine Avenue). The 65 CNEI contour was approved by the Board of Supervisors as the implementation line for two noise compatibility programs: "Purchase Assurance" and "Acoustical Insulation". These programs, aimed at mitigating noise impacts, have been implemented for the affected properties.

- **PUBLIC SERVICES:**

1. **Fire and Police** - Fire protection services will transfer from the Orange County Fire Authority to the Newport Beach Fire and Marine Department and police services will transfer from the Orange County Sheriff to the Newport Beach Police Department. The City's Plans of Service for the annexation area provides for the maintenance or improvement of existing levels of service for both fire and police protection.
2. **Other Services** - Other public services and facilities, such as administrative, recreation, code enforcement, planning, public works and others will remain unchanged or possibly improve because of the closer proximity of City offices and facilities than is now the case under County jurisdiction.

From the above information, the net effect on public services from the annexation will be a less-than-significant impact.

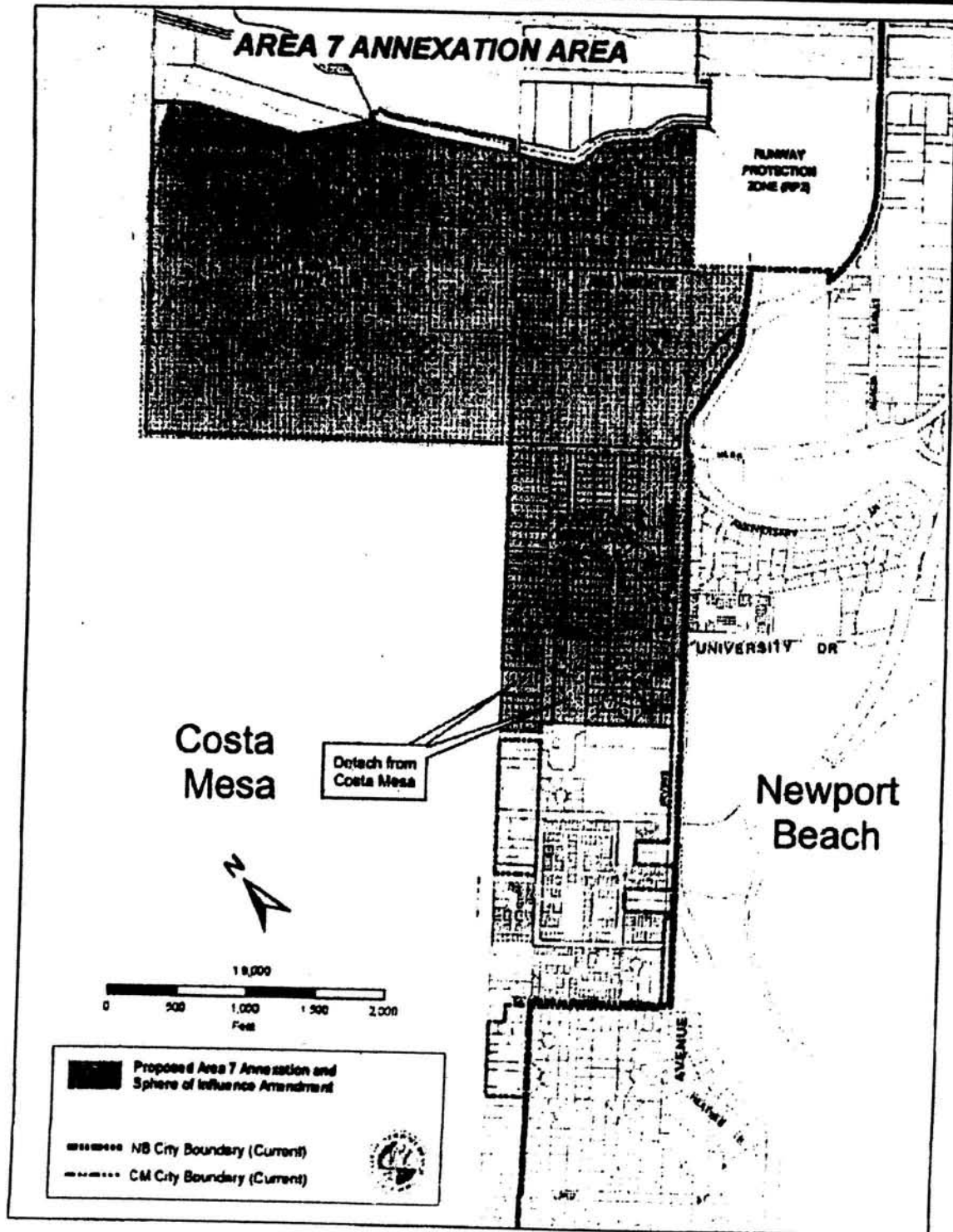
- **UTILITIES AND SERVICE SYSTEMS:**

Utility systems are already in place for this built-out area. Water facilities and service are provided by the Irvine Ranch Water District (IRWD). Sewage collection is provided by the Costa Mesa Sanitary District. Sewage treatment is provided by the Orange County Sanitation Districts. Solid waste is collected by a private firm, Waste Management Inc.

It is intended that these facilities and services remain with the current providers after annexation. Thus, there will be no impact on water, sewer, wastewater treatment, solid waste disposal, or other utility systems as a result of the annexation, and service will continue uninterrupted. The net effect on utilities and service systems from the annexation will be a less-than-significant impact.

# MAP OF ANNEXATION AREA

**NOTE:** The original map incorrectly showed inclusion of the Airport Runway Protection Zone in the annexation/prezone area. This replacement map corrects that original map and excludes the RPZ.



**ATTACHMENTS TO ND-1:  
COMMENTS FROM OTHER AGENCIES**

# LAFCO

Orange County

Local Agency Formation Commission

August 8, 2003

RECEIVED BY  
PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

AUG 12 2003 PM  
7,8,9,10,11,12,1,2,3,4,5,6

CHAIR  
ARLENE SCHAFFER  
DIRECTOR  
COSTA MESA  
SANITARY DISTRICT

Patricia L. Temple, Planning Director  
City of Newport Beach  
3300 Newport Boulevard - P.O. Box 1768  
Newport Beach, CA 92658-8915

VICE CHAIR  
CHARLES V. SMITH  
SUPERVISOR  
FIRST DISTRICT

RE: Comments on Initial Study/Negative Declaration - General Plan  
Amendment, Pre-zoning, Sphere of Influence Amendment and Annexation  
of West Santa Ana Heights, Santa Ana Country Club, and the area south of  
Mesa Drive to the City of Newport Beach

RANDALL J. BRESSETTE  
COUNCILMAN  
CITY OF LAGUNA HILLS

Dear Ms. Temple,

PETER HERZOG  
COUNCILMAN  
CITY OF LAKE FOREST

Thank you for the opportunity to comment on the above-referenced  
environmental document. As a responsible agency for the future annexation of  
this area, LAFCO has reviewed the Initial Study/Negative Declaration and has the  
following comments.

SEAN WILSON  
REPRESENTATIVE OF  
GENERAL PUBLIC

THOMAS W. WILSON  
SUPERVISOR  
FIFTH DISTRICT

JOHN B. WITHERS  
DIRECTOR  
IRVINE RANCH WATER  
DISTRICT

1. For clarification and background for the reader, the "Existing Conditions - Land Use and Development" section on Page 2 of the Initial Study should reference that the subject property is currently located within the Costa Mesa Sphere of Influence, and that a competing annexation application for the West Santa Ana Heights area to the City of Costa Mesa is currently on file with LAFCO.

ALTERNATE  
ROBERT BOXER  
MAYOR  
CITY OF LAGUNA WOODS

2. Portions of the subject territory are located within the Santa Ana Heights Redevelopment Project Area. The Negative Declaration should reference this and discuss how potential annexation would impact administration of the redevelopment project area.

ALTERNATE  
RHONDA McCUNE  
REPRESENTATIVE OF  
GENERAL PUBLIC

3. The proposed annexation and sphere of influence boundary included within the Negative Declaration appears to include property located within the northern portion of the Newport Beach Golf Course. This territory is owned by the County of Orange/John Wayne Airport and is overlain by the airport's Runway Protection Zone (RPZ). According to the Federal Aviation Administration, an RPZ is territory located beyond the end of an airport runway that is designed to protect people and property on the ground in the event of aircraft crashes.

ALTERNATE  
JAMES W. SILVA  
SUPERVISOR  
SECOND DISTRICT

ALTERNATE  
CHARLEY WILSON  
DIRECTOR  
SANTA MARGARITA  
WATER DISTRICT

DANA M. SMITH  
EXECUTIVE OFFICER

This area is currently located within the Costa Mesa Sphere of Influence.



August 8, 2003  
RE: Comments - Negative Declaration  
Page 2

When evaluating amendments to Spheres of Influence, there are four factors that LAFCO is statutorily required to consider (Government Code Section 56426.5):

- > Present and planned land uses in the area, including agricultural and open space lands.
- > Present and probable need for public facilities and services in the area.
- > Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- > Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Including this area within the City's proposed annexation appears to conflict with the County's Guidelines for Annexations and Incorporations, adopted by the Board of Supervisors on October 7, 1997, which outlines the County's intention to oppose annexation requests which impact regional facilities necessary for core business functions.

If you have any questions or concerns, please contact me either by email at [baldrich@orange.lafco.ca.gov](mailto:baldrich@orange.lafco.ca.gov) or by phone at (714) 834-2556.

Sincerely,



Bob Aldrich  
Assistant Executive Officer



## AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

August 11, 2003

Ms. Patricia L. Temple, Planning Director  
Planning Department  
City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915

Subject: Negative Declaration: Project PA 2003-149, General Plan Amendment GP 2003-005  
and Code Amendment CA 2003-006 for the Annexation of West Santa Ana Heights

Dear Ms. Temple:

As Executive Officer of the Airport Land Use Commission (ALUC) for Orange County, I wish to offer the following comments in response to your City's Notice of Intent to Adopt a Negative Declaration in support of the subject General Plan Amendment/annexation project.

The Negative Declaration should address the relationship of the project area to the ALUC's adopted planning areas for aircraft noise impacts, safety on the ground, and safety aloft (height restrictions vis a vis the navigable airspace) as applicable. These planning areas are described and depicted in the *Airport Environs Land Use Plan (AELUP)* for John Wayne Airport dated December 19, 2002, a copy of which was provided to your department in February of this year. Similarly, corresponding airport-compatible planning policies, guidelines, and criteria are presented in the Caltrans/Division of Aeronautics *California Airport Land Use Planning Handbook*. The *Handbook* is required by California statute (Public Resources Code, Section 21096), to be used by lead agencies as a technical resource for CEQA clearance documents, when applicable. Also, the *AELUP* and the *Handbook* should be listed in the Negative Declaration under "Source References."

Perhaps more importantly, please note per Section 21676(b) of the California Public Utilities Code, the City must submit its proposed General Plan Amendment and Zoning Code Amendment (prezoning) to the ALUC for a Determination of Consistency or Inconsistency with the *AELUP*, prior to project approval by the Newport Beach City Council.

Sincerely,

Joan S. Golding  
Executive Officer

cc: Larry Lawrence, Project Manager ✓



JOHN WAYNE  
AIRPORT  
Orange County, California

Alan L. Murphy  
Airport Director

August 11, 2003

Ms. Patricia L. Temple  
Planning Director  
City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915

Subject: General plan amendment, rezoning, sphere of influence amendment, and annexation of West Santa Ana Heights, the Santa Ana Country Club and the area south of Mesa Drive to the City of Newport Beach

Dear Ms. Temple:

Thank you for the opportunity to comment on the proposed Negative Declaration for the Project PA 2003-149: General Plan Amendment GP 2003-005 and Code Amendment CA 2003-006 (Area 7 Annexation).

As you may be aware, we have been discussing Newport Beach's proposed annexation of the West Santa Ana Heights area with City staff. We are pleased that the City has agreed that the Newport Beach Golf Course portion of the annexation boundary shown on your Initial Study "Map of Annexation Area" will not be included as part of the proposed project for purposes of the City's General Plan Amendment and Annexation/Sphere of Influence (SOI) application. The northerly portion of the Newport Beach Golf Course is owned by the County of Orange John Wayne Airport. This portion of the golf course is an integral part of the Airport since the Runway Protection Zone (RPZ) overlies the golf course.

We are aware of the "competing" annexation/SOI application by the City of Costa Mesa. We previously requested that the Costa Mesa Sphere of Influence which currently covers a portion (approximately 22 acres) of the Newport Beach Golf Course be deleted from Costa Mesa's LAFCO annexation application. It is our understanding that the City of Costa Mesa has agreed to request that the Local Agency Formation Commission (LAFCO) amend their application to remove the SOI shown overlying the Newport Beach Golf Course. This would result in the JWA-owned portion of the golf course remaining unincorporated and not in an SOI.

The northerly portion of the Newport Beach Golf Course (NBGC) is a unique situation in the proposed annexation areas. As previously indicated, this area is an Airport RPZ. FAA Regulations (AC 150/5300-13) indicate that the function of the RPZ is to enhance the protection of people and property on the ground. The

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Ms. Patricia Temple  
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August 11, 2003

Regulations note that this "is achieved through airport owner control over RPZs." The special circumstances which apply to the Airport-owned property and what distinguishes it from privately-owned property in the area, include the policies adopted by the County of Orange and the cities of Orange County with respect to guidelines for annexations and incorporations. It has been agreed that while areas within recognized SOIs reflect the long-term service delivery boundaries for a city, those areas that include regional facilities and are part of the County's core business functions would remain unincorporated.

Again, thank you for discussing this important issue with the Airport and agreeing that the JWA-owned portion of the NBGC will not be part of the City's General Plan Amendment and Annexation/Sphere of Influence processes. The enclosed map depicts (in gold hatching) the area of concern described above.

Sincerely,

  
Alan L. Murphy  
Airport Director

Enclosure:

Map of JWA and Proposed Costa Mesa and Newport Beach Annexation Area

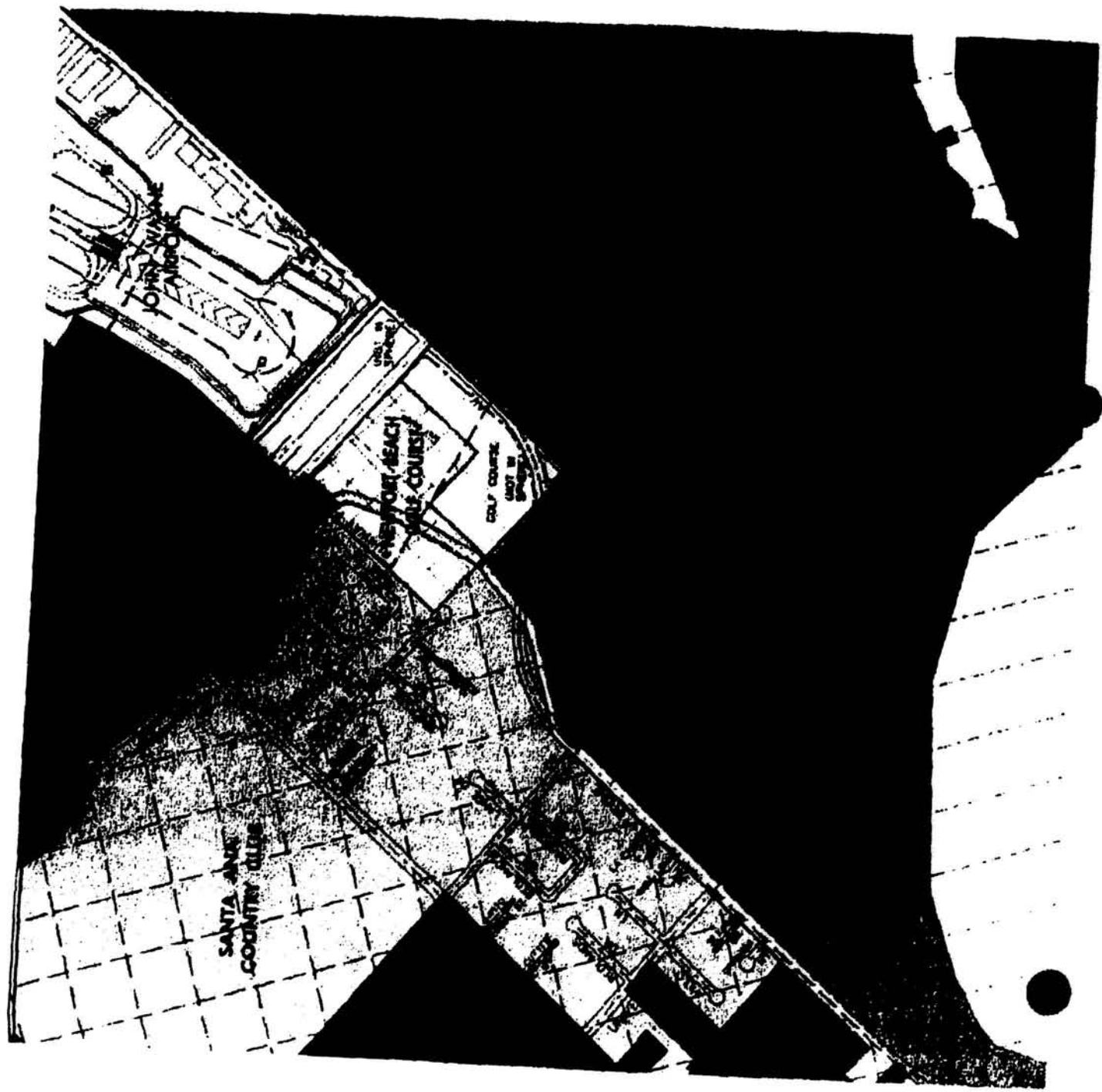
cc: Allan Roeder, City Manager, Costa Mesa  
✓ Larry Lawrence, Project Manager, Newport Beach



JOHN WAYNE AIRPORT  
MESA, CALIFORNIA

MAP OF  
JOHN WAYNE AIRPORT  
AND  
PROPOSED COSTA MESA  
AND NEWPORT BEACH  
ANNEXATION AREAS

- COSTA MESA CITY BOUNDARIES
- NEWPORT BEACH CITY BOUNDARIES
- COSTA MESA SPHERE OF INFLUENCE
- NEWPORT BEACH SPHERE OF INFLUENCE
- PROPOSED ANNEXATION AREA
- GOLF COURSE AREA PROPOSED TO BE DELETED FROM APPLICATION
- RUNWAY PROTECTION ZONE (RPZ)
- JOHN WAYNE AIRPORT PROPERTY







# ATTACHMENT 5

## Statement of Determinations West Santa Ana Heights Sphere of Influence

### *Present and Planned Land Uses for the Area*

West Santa Ana Heights includes a variety of land uses including single family and attached residential uses, convalescent care facilities, horticultural nurseries and an area zoned for animal kennels. The area is within the Santa Ana Heights (SAH) Redevelopment Project area. The SAH Redevelopment Project area also includes East Santa Ana Heights which is located within the City of Newport Beach.

### *Present and Probable Need for Public Facilities and Services*

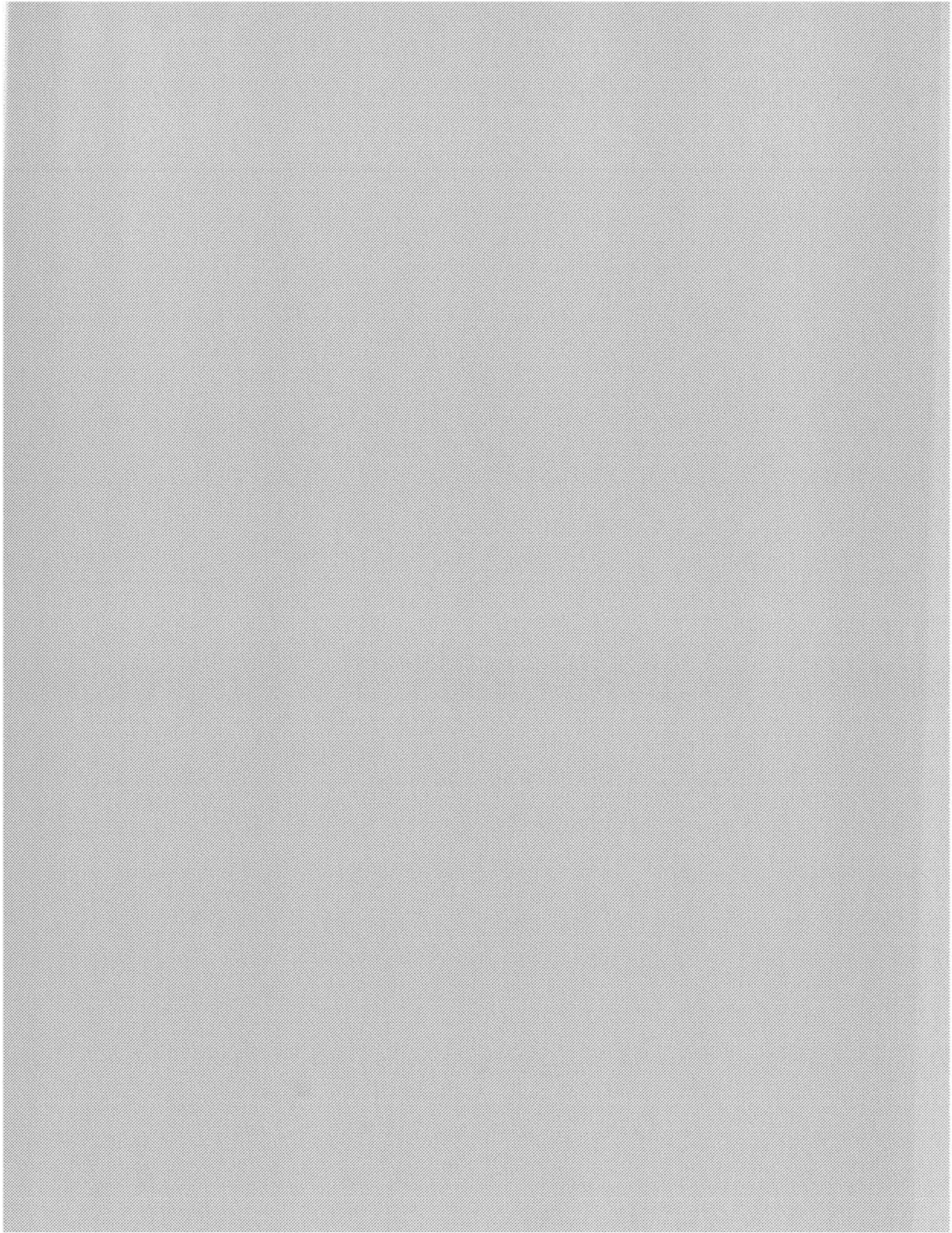
West Santa Ana Heights, approximately 83 acres in size, is largely built out. Limited growth is expected to occur over the next 20 years. Although some areas within WSAH require road and flood protection improvements, because of limited growth opportunities, the extension of City infrastructure and services is expected to be minimal.

### *Present Capacity of Public Facilities and Adequacy of Public Services*

The City of Newport Beach is a full service city and has adequate funding and capacity to extend municipal services to West Santa Ana Heights.

### *Social and Economic Communities of Interest*

West Santa Ana Heights has social, geographic, and governmental ties to East Santa Ana Heights. East Santa Ana Heights was annexed to the City of Newport Beach in 2003. The two communities share borders, a redevelopment project area, and impacts from John Wayne Airport. Both communities also participate in a Project Area Committee (PAC) which advises the County of Orange on redevelopment issues affecting both West and East Santa Ana Heights.



# ATTACHMENT 6

**RO 06-25**

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF ORANGE COUNTY, CALIFORNIA  
MAKING DETERMINATIONS AND APPROVING  
A SPHERE OF INFLUENCE AMENDMENT AND CONCURRENT ANNEXATION OF  
WEST SANTA ANA HEIGHTS TO THE CITY OF NEWPORT BEACH**

**July 18, 2007**

On motion of Commissioner \_\_\_\_\_, duly seconded and carried, the following resolution was adopted:

WHEREAS, the proposed reorganization to the City of Newport Beach, designated as "West Santa Ana Heights Reorganization to the City of Newport Beach (RO 06-25)" was heretofore filed and accepted for filing on June 22, 2006 by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 et seq of the Government Code; and

WHEREAS, in addition to the proposed annexation of West Santa Ana Heights, the reorganization also includes a sphere of influence change for the subject territory from the City of Newport Beach to the City of Costa Mesa; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56658, set July 18, 2007 as the hearing date of this proposal; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56665, has reviewed this proposal and prepared a report including her recommendation thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission on July 18, 2007 considered the proposal and the report of the Executive Officer, and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and

WHEREAS, this Commission called for and held a public hearing on the proposal on July 18, 2007 and at the hearing, this Commission heard and received all oral and written protests, objections and



evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, this Commission has fulfilled its obligations as a responsible agency as defined by the California Environmental Quality Act and has reviewed and considered the Negative Declaration adopted by the City of Newport Beach, and has made findings pursuant to Sections 15096(g)(2) and 15096(h) of the State CEQA Guidelines; and

NOW, THEREFORE, the Local Agency Formation Commission of the County of Orange based on the findings, discussion and conclusions set forth in the Executive Officer's report, which is incorporated herein by this reference, DOES HEREBY RESOLVE, DETERMINE and ORDER as follows:

Section 1. Environmental Action:

- a) LAFCO, as a responsible agency, has reviewed and considered the Negative Declaration prepared by the City of Newport Beach which determined that the sphere of influence amendment and annexation of West Santa Ana Heights would not have a significant effect on the environment as determined by CEQA.

Section 2: Determinations:

- a) The Commission hereby approves the West Santa Ana Heights Reorganization (CA 06-25), including a sphere of influence amendment for West Santa Ana Heights from the City of Costa Mesa to the City of Newport Beach and a concurrent annexation of West Santa Ana Heights to the City of Newport Beach as shown on "Exhibit A."
- b) The Commission has adopted the accompanying Statement of Determinations, shown as "Exhibit B."

Section 3. The proposal is approved subject to the following terms and conditions:

- a) Payment by the applicant of Recorder and State Board of Equalization fees.
- b) Upon the effective date of annexation, the City shall accept the County Master Plan of Drainage (MPD) that is in effect for the annexation area. County of

Orange Resources and Development Management Department, Planning & Development Services/Subdivision & Infrastructures, should be contacted to provide any MPD which may be in effect in the annexation area. Deviations from the MPD shall be submitted to the Manager of the Flood Control Division, County of Orange, Resources and Management Department, for review to ensure that such deviations will not result in diversion between watersheds and/or will not result in adverse impacts to OCFCD's flood control facilities.

- c) Upon the effective date of annexation, the City shall be responsible for the administration of floodplain zoning and Federal Emergency Management Agency (FEMA) floodplain regulations within the annexation area.
- d) Upon the effective date of annexation, the City shall coordinate development within the annexation area that is adjacent to any existing flood control facilities for which OCFCD has a recorded flood control easement or owns fee interest, by submitting plans and specifications to the Manager of the Flood Control Division, County of Orange, Resources and Development Management Department, for review and comment. If such facilities are in need of improvement to provide the required flood control and/or erosion protection for the development, the City shall require the developer to enter into an agreement with OCFCD for the design, review, construction, acceptance and maintenance of such necessary flood control improvements.
- e) Upon the effective date of annexation, the City shall require developers of development proposals, which are adjacent to regional drainage course which are not owned or maintained by OCFCD but are in need of improvement to provide the required flood control and/or erosion protection for the development, to enter into an agreement with OCFCD for the design, review, construction, acceptance, and maintenance of proposed regional flood control facilities.
- f) Upon the effective date of annexation, all right, title and interest of the County,

including the underlying fee title where owned by the County in an any and all sidewalks, trails, landscaped areas, open space, street lights, signals, storm drains, water quality treatment basins and/or structures, and water quality treatment basins or systems serving roadways and bridges shall vest in the City, except for those properties to be retained by the County specifically listed by these conditions.

- g) Upon the effective date of annexation, the City shall be the owner of all of the following property owned by the County: public roads, adjacent slopes, street lights, traffic signals, mitigation sites that have or have not been accepted by regulatory agencies but exist or are located in public right-of-way and were constructed or installed as part of a road construction project within the annexed area, and storm drains within street right-of-way and any appurtenant slopes, medians and adjacent property. City shall be responsible for the ongoing mitigation, but not the ownership of, mitigations sites that were installed on other County property, such as flood control and/or Harbors, Beaches and Parks property that were installed as a condition of road construction projects in association with the road projects in the annexed area and the mitigation site that is annexed to the City.
- h) Prior to the issuance of the Certificate of Completion by the Executive Officer, the City shall agree to continue to participate in the San Joaquin Hills Transportation Corridor Fee Program, including collecting fees as required by the fee program and depositing said fees together with earned interest on a quarterly basis with the Transportation Corridor Agency (San Joaquin Hills).
- i) The City shall defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attach, set aside, void or annul approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- j) Prior to recordation of the annexation, the City of Newport Beach shall submit





I, Bill Campbell, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 18th day of July, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand this 18<sup>th</sup> day of July 2007.

BILL CAMPBELL  
Chair of the Orange County  
Local Agency Formation Commission

By: \_\_\_\_\_  
Bill Campbell